

Payments Contract pursuant to a management contract approved by HUD in accordance with § 882.412, HUD will make reviews of project operations, including inspections, in addition to required PHA reviews. These HUD reviews will be sufficient to assure that the Owner and the PHA are in full compliance with the terms and conditions of the Contract and the ACC. Should HUD determine that there are deficiencies, it may exercise any rights or remedies specified for the PHA under the Contract or reserved for HUD in the ACC, require termination of the management contract, or take other appropriate action.

(e) Periodic PHA audits must be conducted as required by HUD, in accordance with guidelines prescribed by 24 CFR part 44.

[47 FR 34383, Aug. 9, 1982, as amended at 53 FR 8065, Mar. 11, 1988]

Subpart F—Special Assistance on Behalf of Manufactured Home Owners

SOURCE: 44 FR 65364, Nov. 9, 1979, unless otherwise noted.

§ 882.601 Applicability and scope.

This subpart provides for the making of housing assistance payments on behalf of low-income Manufactured Home Owners to assist them in leasing Manufactured Home Spaces. The PHA executes Contracts with the owners of spaces on which the Manufactured Homes are located. The Manufactured Homes must be used by low-income Families as their principal places of residence. Except as indicated by this subpart, part 882, subparts A and B shall apply. References made in part 882 to dwelling units shall, for purposes of this subpart F, be read as referring to Manufactured Home Spaces. Subparts D and E, Special Procedures for Moderate Rehabilitation Program, do not apply because moderate rehabilitation of Manufactured Homes is excluded under this rule.

[44 FR 65364, Nov. 9, 1979, as amended at 50 FR 9269, Mar. 7, 1985]

§ 882.602 Definitions for this subpart.

The definitions in § 882.102 shall apply except for Contract Rent, Fair Market Rent, Recently Completed Housing and Rent Reduction Incentive.

Assisted Family. A Family which qualifies as an eligible low-income Family pursuant to part 812, occupies its Manufactured Home as its principal place of residence, is issued a Certificate of Family Participation, leases but does not own the Manufactured Home Space and is assisted under this subpart. A Family's income for eligibility shall be determined in accordance with part 813 of this chapter except that the value of equity in a Manufactured Home owned by an Assisted Family shall not be counted as a Family asset.

Contract Rent. The monthly rent which an Owner is entitled to receive for the leasing of a Manufactured Home Space to an Assisted Family, including any separate fees or charges. This rent includes the maintenance and management services described in the definition of Manufactured Home Space, but excludes ongoing utility charges. Separate fees or charges for services or facilities not included in the definition of Manufactured Home Space shall be included in the Contract Rent only if their payment is required as a condition of the leasing of the Manufactured Home Space. In the case of a cooperative Manufactured Home park, "Contract Rent" means the charges under the occupancy agreements between the members and the cooperative.

Fair Market Rent. The rent which would be required to be paid in order to obtain a privately owned, decent, safe and sanitary Manufactured Home Space of a modest nature. This rent includes maintenance and management services described in the definition of Manufactured Home Space for single-wide and double-wide Manufactured Home Spaces. Rents for double-wide spaces will be permitted for Assisted Families of five or more persons so long as the Manufactured Home meets the minimum occupancy standards for families in accordance with § 882.209(b)(2). Fair Market Rents will be established by HUD and will be published in the FEDERAL REGISTER in accordance with part 888 of this chapter.

Manufactured Home Space. The space, leased by an Owner to an Assisted Family, on which the Manufactured Home owned and occupied by the Family is located. The space shall include all maintenance and management services necessary for decent, safe and sanitary housing, such as maintenance of utility lines, garbage and trash collection, and maintenance of roads, walkways and other common areas and facilities.

Owner. The Owner of the Manufactured Home Space is any person or entity including a cooperative, having the legal right to lease or sublease Manufactured Home Spaces.

Set-up charges. Charges payable by an Assisted Family for assembling, skirting and anchoring the unit.

Utility hook-up charges. Costs payable by an Assisted Family for connecting its Manufactured Home to utilities such as water, gas, electrical and sewer lines.

[44 FR 65364, Nov. 9, 1979, as amended at 49 FR 19946, May 10, 1984; 50 FR 9269, Mar. 7, 1985; 50 FR 38795, Sept. 25, 1985]

§ 882.603 Certificate of family participation for manufactured home owner.

The provisions of § 882.209, Certificate of Family Participation, shall apply except for paragraphs (b)(3), (6), (7), (8) and (c)(2). Instead the following new paragraph (g) shall apply:

(g) Certificate of Family Participation for Manufactured Home Owners: In issuing the Certificate of Family Participation for Manufactured Home Owners, the PHA shall enter on the Certificate the number of bedrooms appropriate for the Family size, in accordance with § 882.209, for the purpose of determining the Family's appropriate utility allowance.

[44 FR 65364, Nov. 9, 1979, as amended at 50 FR 9269, Mar. 7, 1985]

§ 882.604 Assistance payments.

The provisions of § 882.105, Housing Assistance Payments to Owners, shall apply except for paragraph (a) of that section. Instead of § 882.105(a), the following shall apply: Assistance payments to the Owner will cover the difference between the Tenant Rent and the Gross Rent. However, the assist-

ance payment may not exceed the Contract Rent. Amortization payments included in Gross Rent may include costs other than furniture included in the purchase price of the Manufactured Home; the portion of the amortization costs covering principal and interest shall be reduced by 15 percent to exclude the cost of furniture unless there is evidence that furniture was not included in the purchase price. Principal and interest payments are those established at time of application; any increase in principal and interest due to later refinancing must not be allowed. Set-Up Charges incurred by an Assisted Family that relocates its home may be included in the monthly amortization payments made by the Family; in addition, Set-Up Charges incurred before the Family became an Assisted Family may be included to the extent that monthly payments are still being made to amortize them.

[49 FR 19946, May 10, 1984, as amended at 50 FR 9269, Mar. 7, 1985]

§ 882.605 Maximum contract rent.

(a) The provisions of §§ 882.106(a) (3) and (4) and 882.106(c) and (d) shall not apply.

(b) The provisions of § 882.120, concerning Recently Completed Housing, shall not apply.

(c) The Contract Rent for any Manufactured Home Space leased under this subpart shall not exceed the applicable Fair Market Rent by more than ten percent, nor shall it exceed the rent reasonableness limitation specified in § 882.106(b).

[44 FR 65364, Nov. 9, 1979, as amended at 50 FR 9269, Mar. 7, 1985; 51 FR 21312, June 11, 1986; 53 FR 6601, Mar. 2, 1988; 53 FR 7734, Mar. 10, 1988]

§ 882.606 Schedule of utility allowances.

The provisions of §§ 882.116 and 882.219 relative to PHAs establishing and adjusting a Schedule of Utility Allowances shall apply.

Utility allowances shall be established for Manufactured Home Owners assisted under this subpart and shall be in amounts appropriate for bedroom size as stated on the Certificate. Allowances shall include a reasonable amount, for the first twelve months, to